

Notice of Allowability

Application No.

10/612,289

Examiner

Naghmeh Mehrpour

Applicant(s)

HAYASHI, KAZUO

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to remark filed on 08/21/06.
2. ☒ The allowed claim(s) is/are 11-17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

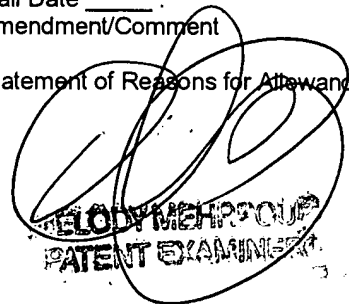
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


MELODY MEHROUPOUR
PATENT EXAMINER

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/21/06 has been entered.

Allowable Subject Matter

2. **Claims 11-17**, are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding **claim 11, 13, 14, 16**, the present application teaches a method/radio terminal apparatus in a CDMA mobile communication system that receives a first signaling signal (SS1) and generates and transmits a second signaling (SS2). When the radio terminal apparatus detects the reception of SS1, it transmits SS2 along with user data at varying transmission power. When the radio terminal apparatus detects that SS1 is no longer being received, it discontinues transmitting SS2 is no longer being received, it discontinues transmitting SS2 and transmits user data at a fixed transmission power as specifically mentioned on claims 11, 13, 14, 16.

The closest prior art such as Henry (US Patent 6,832,075) discloses a radio that receives user data and a signaling signal and transmits user data and a signaling signal. A loopback module includes a plurality of signal paths and is designed to mix an incoming phone signal with a signal from a signal generator to produce a loopback signal at the receive frequency of the phone. The loopback signal is applied to the phone's antenna. The phone then evaluates the loopback signal to determine the appropriate offset for the transmitter chain at that frequency and power level. This process is iterated until the desired number of frequencies and power levels are tested for proper calibration. The offsets are stored in memory for later use by the phone. However, Henry does not disclose any dependency between the received and transmitted signaling signals, and more specifically does not disclose transmitting a signaling signal generated by the radio only while receiving a signaling signal generated by the radio signal from another device, further Henry does not disclose suspending the transmission of the signaling signal when reception of a signaling signal is no longer detected as specifically mentioned on claims 11, 13, 14, 16.

Conclusion

3. **Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913. The examiner can normally be reached on 8:00- 6:00.

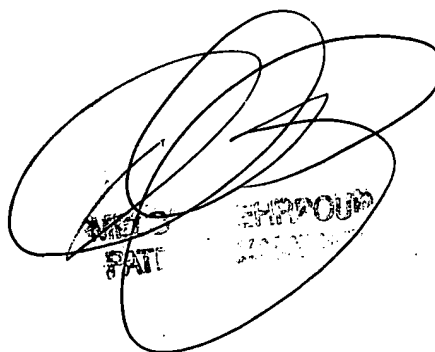
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

October 24, 2006

A handwritten signature in black ink is written over a rectangular stamp. The stamp contains the text "NAGHMEH MEHRPOUR" and "PATENT EXAMINER" in a bold, sans-serif font. The signature is a cursive-style name that appears to be "Naghmeh Mehrpour".